

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 267 of 2007 (S/B)

Prem Kumar Gupta s/o Sri Raghunath Prasad Gupta,
serving as Accounts Officer,
Uttarakhand Jal Sansthan,
Kumaon Region, Nainital

..... Petitioner

Versus

1. Chief General Manager, Uttarakhand Jal Sansthan,
'Jai Bhawan', B- Block, Nehru Colony,
Dehradun.
2. General Manager, Uttarakhand Jal Sansthan,
Kumaon Region, Nainital.
3. Sri Girish Chandra Razak, serving as Accounts Officer,
in the office of General Manager,
Uttarakhand Jal Sansthan,
Kumaon Region, Nainital

..... Respondents

.....

Sri Manoj Tiwari, Advocate for the petitioner.
Sri Rakesh Thapaliyal, Advocate for respondents no. 1.
None for respondents 2 and 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat J.

RAJEEV GUPTA, C.J. (Oral)

Sri Manoj Tiwari, Advocate for the petitioner.

Sri Rakesh Thapaliyal, Advocate for respondent no. 1.

None for respondents 2 and 3.

They are heard on admission

2. Petitioner Prem Kumar Gupta has filed this writ petition for the following reliefs:

- "A. To issue a writ, order or direction in the nature of certiorari for quashing the impugned transfer order dated 11.10.2007 passed by respondent no. 1 (Annexure No. 15 to the writ petition).
- B. To issue any other writ order or direction, which this Hon'ble court may deem fit and proper in the circumstances of the case.
- C. Award the cost of the writ petition in favour of the petitioner."

3. The petitioner, in substances, is seeking quashing of the impugned order dated 11.10.2007 (Annexure - 15), whereby the petitioner stands transferred from Nainital to Pauri Garhwal.

4. During the course of hearing, it transpired that the petitioner was posted as Accounts Officer in Kumaon Region of Uttarakhand Jal Sansthan at Nainital sometime in the year December, 2004. Respondent no. 1 has passed order of petitioner's transfer from Nainital to Pauri Garhwal after the petitioner having remained at Nainital for a period of about three years. The petitioner, as such, cannot have any grievance of his frequent transfers.

5. Sri Manoj Tiwari, the learned counsel for the petitioner, vehemently argued that the petitioner has been transferred by respondent no. 1 by succumbing to the pressure of the Employees' Association and the same is evident from Annexure-7 to 10.

6. Sri Rakesh Thapaliyal, the learned counsel for respondent no. 1, on the other hand, supported the impugned order of petitioner's transfer and submitted that the petitioner has been transferred from Nainital to Pauri Garhwal in routine manner as his services were required at Pauri Garhwal.

7. On due consideration of the submissions of the learned counsel for the parties; the documents filed by the petitioner along with the writ petition; the fact that petitioner has been transferred from Nainital to Pauri Garhwal after a period of three years of his stay at Nainital; and in view of the guidelines laid down by the Apex Court in the case of **Major General J.K. Bansal Vs. Union of India and others** reported in 2005 (7) SCC 227, we do not find any infirmity in the impugned order (Annexure -15) whereby the petitioner stands transferred from Nainital to Pauri Garhwal.

8. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

(J.C.S. Rawat, J.)
26.10.2007

(Rajeev Gupta, C. J.)
26.10.2007